IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal Nos. 768 to 770 of 2002

S.Jaya .. Appellant in WP.768/2002 / Petitioner in WP.17051/1994.

1.S.Jaya
2.S.Surendran
3.S.Mahendran
4.S.Ramanathan
5.Uma
6.V.Manimegalai
7.S.Ravindran
8.S.Angayarkanni .. Appellants in WP.769 & 770 of 2002 / Petitioners 2 to 9 in WP.Nos.17050/94, WP.16039/94.

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary,
Housing and Urban Development,
Fort St. George, Madras-9.

2.The Special Tahsildar,
(Land Acquisition), Madurai South
Neighbourhood Scheme,
Unit-III, Madurai.

3.Tamil Nadu Housing Board,
rep. By its Chairman/Managing Director,
Anna Salai, Nandanam,
Chennai-600 018.
(3rd respondent is impleaded as per order of Court dt.03.12.2002 made in WAMPs.1922 to 1924/2002 by CJ&CNJ) .. Respondents in all W.As. / Respondents 1 and 2 in all Writ Petitions.

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Writ appeals filed under Clause 15 of the Letters Patent against the common order dated 05.02.2002 made in W.P.Nos.17050/94, 17051/94 and 16039/94.

For Appellants : Mr.S.Ravindran
(7th appellant in person)
in all WAs.
For Respondents 1 & 2 : Mr.C.Thirumaran,
Government Advocate
For 3rd Respondent : Mr.K.Kasikumar,TNHB

COMMON JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the separate and identical order of the learned single Judge, dismissing the writ petitions, the writ petitioners therein have preferred the above appeals.

2. The seventh appellant, by name S.Ravindran (in W.A.Nos.769 & 770/2002) has appeared in person and projected the case of all the appellants.

3. It is seen from the materials placed before the learned single Judge that two contentions were raised questioning the acquisition proceedings. According to the appellants, the award passed by the Land Acquisition Officer on 22.07.1994 is beyond the prescribed period. In other words, according to him, the award was not passed within two years as provided in the statute. The learned single Judge, on verification of the records pointed out that notification under Section 4(1) of the Tamil Nadu Land Acquisition Act (hereinafter referred to as "the Act") was published on 03.07.1991 and declaration under Section 6 of the Act was made on 22.07.1992 and the award was passed on 22.07.1994. In such circumstances, the learned single Judge has concluded that the award passed on 22.07.1994 is within the time prescribed. There is no serious objection or contra argument to that effect. In the light of the details, we reject the first contention and confirm the conclusion of the learned single Judge.

4. The second contention raised before the learned single Judge is that the fund was not available at the time of passing of award and therefore, the acquisition proceedings are vitiated. In paragraph 4 , the learned single judge after verifying the records and finding that a sum of Rs.1,09,210/- has been deposited in the Civil Court, rejected the said contention also. We agree with the same.

5. Apart from the legal submissions, the Mr.Ravindran, the seventh appellant appearing in person submitted that in view of the fact that no action has been taken after initiation of the acquisition proceedings under Section 4(1)of the Act, in the year 1991, by borrowing loan from

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the Nationalised Bank, the appellants have developed the lands and therefore, the respondents are not justified in pursuing the same. He has also contended that since the appellants are agriculturists depending on the income of the land in question, direction may be issued to the respondents for withdrawal of the acquisition proceedings. The abovesaid contention cannot be considered by this Court.

6. Further, the learned counsel appearing for the Housing Board has brought to our notice that out of total extent of 42.15.00 hectares of land (covered in these appeals), an extent of 3.24.00 hectares of land in Survey No.94/1D(part) owned by one Krishnammal has been taken over by the Tamil Nadu Housing Board on 01.07.2003. The letter further shows that the Special Tahsildar/Land Acquisition officer/South Neighbourhood Scheme has been requested to hand over the balance extent of land measuring 38.91.00 hectares. In the last paragraph, the Executive Engineer and Administrative Officer, Madurai Housing unit has stated that the Tamil Nadu Housing Board has already proposed Jawaharlal Nehru Urban Renewal Mission Scheme for a total extent of 525.36 acres in Uchapatty village and the lands covered in the award Nos.6/94, 7/94 and 15/94 measuring 38.91.00 hectares are absolutely required to the Tamil Nadu Housing Board for the comprehensive development of the scheme.

7. In view of the above information, it is not possible for this Court to consider the grievance of the appellants. However, the appellants are free to make appropriate representation to the Government highlighting their grievance within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if any such representation is made, as stated above, the Government is directed to consider and dispose of the same within a period of 12 weeks thereafter.

8. With the above observations, the writ appeals are dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Secretary,
State of Tamil Nadu,
Housing and Urban Development,
Fort St. George, Madras-9.

2.The Special Tahsildar,
(Land Acquisition), Madurai South
Neighbourhood Scheme,
Unit-III, Madurai.

3.The Chairman/Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai-600 018.

+ 1 CC to the Government Pleader SR NO 30575
+ 1 CC To Mr. D.Veerasekaran, Advocate SR NO. 30618
+ 6 CCs To Mr.C.P.Siva Mohan, Advocate SR NO. 31166, 31164, 31165

W.A.Nos.768 to 770
of 2002
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